

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of | : | Attorney Docket No. 2006_1393A |
| Daiju YUKI et al. | : | Confirmation No. 8731 |
| Serial No. 10/590,735 | : | Group Art Unit 1651 |
| Filed August 25, 2006 | : | Examiner Irene Marx |
| METHOD AND AGENT FOR CONTROLLING PLANT DISEASE USING BACTERIA OF GENUS BACILLUS | : | Mail Stop: AMENDMENT |

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the information listed on attached Form PTO/SB/08.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

- (1) ☐ the certification of paragraph 2 below is provided, or
(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

- 1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and
the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

- a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement (37 C.F.R. § 1.97(e)(1)), or
b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement (37 C.F.R. § 1.97(e)(2)).

3. For each non-English language reference listed on the attached Form PTO/SB/08, reference is made to one or more of the following:

- a. ☐ a full or partial English language translation submitted herewith,
b. ☐ an International Search Report submitted herewith,

- c. ☐ a foreign patent office search report or office action (in the English language) submitted herewith,
- d. ☐ the concise explanation contained in the specification of the present application at page ,
- e. ☒ the concise explanation set forth in the attached English language abstract,
- f. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
4. ☒ A Japanese Notice of Rejection issued November 15, 2005, in Japanese patent Application No. 2004-216083 citing the reference is enclosed.
5. ☐ Statement Under 37 CFR 1.704(d) Each item of information contained in the information disclosure statement: (i) Was first cited in any communication from a patent office in a counterpart foreign or international application or from the office, and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement; or (ii) Is a communication that was issued by a patent office in a counterpart foreign or international application or by the Office, and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement.

Respectfully submitted,

Daiji YUKI et al.

/s/ Jon T. Self

By Self/

Jon T. Self, Ph.D.

Registration No. 48,948

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April 3, 2012

| Sheet 1 of 1 | | INFORMATION DISCLOSURE STATEMENT | | | | | | |
|---|----|--|--------|---------------------------------------|-----------------|---------------------------------|-------------|-------------------------------|
| FORM PTO/SB/08 A&B (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) <i>(Use several sheets if necessary)</i> Date Submitted to PTO: April 3, 2012 | | | | ATTY DOCKET NO. 2006_1393A | | SERIAL NO. 10/590,735 | | |
| | | | | APPLICANT Daju YUKI et al. | | | | |
| | | | | FILING DATE August 25, 2006 | | | | |
| | | | | GROUP 1651 | | | | |
| U.S. PATENT DOCUMENTS | | | | | | | | |
| *EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
| | AA | | | | | | | |
| | AB | | | | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
| | | | | | | | YES | NO |
| | BA | 2004-215567 | 8/2004 | JP | | | Abstract | |
| | BB | | | | | | | |
| | BC | | | | | | | |
| | BD | | | | | | | |
| | BE | | | | | | | |
| OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | | |
| | CA | Japanese Notice of Rejection issued November 15, 2005, in Japanese patent Application No. 2004-216083. | | | | | | |
| | CB | | | | | | | |
| | CC | | | | | | | |
| | CD | | | | | | | |
| EXAMINER | | | | | DATE CONSIDERED | | | |

**Examiner: initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.*